

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

|                      |   |                             |
|----------------------|---|-----------------------------|
| TYRONE H. DAVIS,     | ) |                             |
|                      | ) |                             |
| Plaintiff,           | ) |                             |
|                      | ) |                             |
| v.                   | ) | Case No. 07-cv-0693-MJR-CJP |
|                      | ) |                             |
| DONALD FRANCIS,      | ) |                             |
| GEORGE SAMPLE,       | ) |                             |
| and JOHN DOES 1 - 5, | ) |                             |
|                      | ) |                             |
| Defendants.          | ) |                             |

ORDER DISMISSING JOHN DOE DEFENDANTS

REAGAN, District Judge:

In addition to several correctional officers identified by name, Plaintiff Tyrone Davis named five unknown persons as defendants in his complaint. Davis designated these defendants as John Doe 1, 2, 3, 4, and 5.

The Court issued a notice of impending dismissal which required Davis to take action to effectuate service on these defendants by October 26, 2009 (Doc. 64). On October 27, 2009, Davis filed a motion asking the Court to order the United States Marshal to serve the unidentified defendants. But Davis did not furnish any information as to the identities of the "John Doe" defendants.

In a December 15, 2009 Order, the Honorable Clifford J. Proud, United States Magistrate Judge, denied Davis' motion and ordered Davis to supply the Court with information sufficient to identify the John Doe defendants by January 15, 2010 (Doc. 72).

Judge Proud plainly warned that failure to do so would result in the dismissal of Davis' claims against these defendants. *See* Doc. 72.

The January 15<sup>th</sup> deadline passed two weeks ago. Plaintiff Davis has not disclosed any additional information about these individuals, and they remain unidentified. Therefore, Davis' claims against defendants **John Doe 1, John Doe 2, John Doe 3, John Doe 4, and John Doe 5** are hereby **DISMISSED** without prejudice for failure to prosecute. Davis' claims against Defendants Francis and Sample remain.

IT IS SO ORDERED.

DATED: February 1, 2010.

s/ Michael J. Reagan  
MICHAEL J. REAGAN  
UNITED STATES DISTRICT JUDGE